

## Item W06-08 Response Form

**Title:** Probate guardianships and conservatorships: Private professional guardians' and conservators' statements of qualifications and compliance with continuing education requirements (adopt forms GC-005 and GC-006)

- ☐ Agree with proposed changes
- ☐ Agree with proposed changes **if modified**
- ☐ Do not agree with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

- ☐ Commenting on behalf of an organization

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Monday, January 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council  
or the Rules and Projects Committee  
All comments will become part of the public record of the council's action.*

## Invitation to Comment W06-08

Title	Probate guardianships and conservatorships: Private professional guardians' and conservators' statements of qualifications and compliance with continuing education requirements (adopt forms GC-005 and GC-006)
Summary	The proposed new forms would enable private professional guardians and conservators to comply with the qualification and continuing education disclosure requirements of newly-adopted rules 7.1010 and 7.1060.
Source	Probate and Mental Health Advisory Committee Hon. Don Edward Green, Chair
Staff	Douglas C. Miller, Committee Counsel, (415)-865-7535, douglas.miller@jud.ca.gov
Discussion	<p>The Judicial Council recently adopted rules 7.1010 and 7.1060 of the California Rules of court, effective January 1, 2006. These rules will establish the qualifications and continuing education requirements for private professional guardians (rule 7.1010) and conservators (rule 7.1060).</p> <p>Private professional guardians and conservators must file annual information statements with appointing courts under Probate Code sections 2340–2344. Rules 7.1010 and 7.1060 will require these fiduciaries to show in their information statements filed in 2006 that they qualify for appointment under the rules and, beginning with annual statements filed after 2007, that they have completed the continuing education required under the rules for the prior calendar year.<sup>1</sup></p> <p>Forms GC-005 and GC-006 would provide a uniform way for private professional guardians and conservators to meet their reporting obligations under the new rules of court, and for all courts to access the information reported.</p>

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<sup>1</sup> A copy of the text of these rules is attached to this Invitation to Comment. See rules 7.1010(h)(1) and 7.1060(h)(1) (qualifications) and (h)(2)(A) (continuing education). Private professional guardians and conservators will be required to comply with the continuing education provisions of the rules beginning in calendar 2007 (rules 7.1010(e)(1) and 7.1060(e)(1)). Information statements will have to show completion of required continuing education beginning with the first statement due after the end of 2007, and annually thereafter.

These forms are proposed for adoption effective July 1, 2006 because the reporting requirements of rules 7.1010 and 7.1060 concerning qualifications for appointment will become effective beginning with annual information statements filed after January 1, 2006.

*Declaration of Private Professional Conservator or Guardian—  
Qualifications (form GC-005)*

This form would request a professional fiduciary's basic contact information and, in item 3, request the personal information that is commonly used by law enforcement to request a criminal history background check from the California Department of Justice or the FBI. Such a check is a mandatory requirement under Probate Code section 2342(c).

Items 4a–e at pages 2 and 3 of this form identify the five methods of qualifying as a private professional guardian under rule 7.1010(b)(2)(A)–(E) or as a private professional conservator under rule 7.1060(b)(2)(A)–(E). The fiduciary would be required to demonstrate that he or she satisfies at least one of these qualification tracks. He or she would also be required to supply details of the qualifying history, including the college or university he or she attended, relevant employment history, and the appointing courts and the names and case numbers of the matters in which he or she has been appointed as a fiduciary.

Item 5 of the form would require fiduciaries to affirm that they have not committed criminal or civil misconduct that would disqualify them from continuing to serve in pending matters or new appointments under rules 7.1010(b)(4) and 7.1060(b)(4).

This form would be filed with each appointing court by private professional guardians and conservators with every year's information statement. Most of the qualification information will not change from year to year. Item 2 of the form would address that situation. A professional fiduciary completing the form for the second or later year could check this item and not respond to following items (except items 5 and 8), to the extent that the information requested in those items has not changed from that provided in previously filed declarations. Requiring completion of the form every year, however, would provide a new sworn statement every year that would reaffirm all statements made in prior years.

Item 6 of the form would identify professionals who must attend a course in professional fiduciary management—professionals who

qualify for appointment under four of the five tracks identified in item 4 of the form but do not have the requisite pre-2006 experience as a practicing California professional fiduciary (item 4c). (See rules 7.1010(b)(3) and 7.1060(b)(3).) Item 6b identifies fiduciaries who must complete this course during 2006 and file proof of completion before 2007 so they may accept new appointments or continue in their current matters during 2006 (rules 7.1010(d)(1)(A) and 7.1060(d)(1)(A)).

Item 7 concerns fiduciaries appointed before 2006 who do not satisfy any of the qualification tracks under the rules but desire to keep serving in all or some of their current matters under conditions set by the court under rules 7.1010(d)(2)(A) and 7.1060(d)(2)(A).

Item 8 of this form is for a professional to respond to requests for information from an appointing court not covered in the form, the response to be in the format required by the court—in a local form, for example—or as an attachment to this form.

*Declaration of Private Professional Conservator or Guardian—  
Continuing Education (form GC-006)*

Private professional guardians and conservators would be required to file this form as part of their annual information statement filed with each appointing court, beginning with the first statement due after 2007, when the continuing education requirements of the new rules will begin. The form would require the professional to identify each education provider and the subject of each course taken, and show in which of the subject-matter categories required by rules 7.1010(e)(2) and 7.1060(e)(2) the course fits.

The instructions on page 1 of this form would remind professional fiduciaries that they must retain continuing education certificates or other proof of attendance for a period of three years after the year in which the course was taken. (See rules 7.1010(h)(2)(B) and 7.1060(h)(2)(B).)

Both proposed forms are unusual in that they provide space for each court to place its seal and address. These forms are statewide mandatory forms but they are intended to be produced and provided to professional guardians and conservators by each appointing court.

These forms will be filed in courts' private professional fiduciary information statement files, not in case files. Therefore, the forms provide for a file number, not a case number, and do not contain the

usual case caption and attorney caption boxes. Both forms are also confidential. (See Prob. Code, § 2342(d).)

A copy of the *Declaration of Private Professional Conservator or Guardian—Qualifications* (form GC-005) is attached at pages 5–8.

A copy of the *Declaration of Private Professional Conservator or Guardian—Continuing Education* (form GC-006) is attached at pages 9–10.

The text of rules 7.1010 and 7.1060 is attached at pages 11–32.

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Attachments

<p align="center"><b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF</b></p> <p>(Space for court seal, if desired)</p> <p align="right">(Space for court address)</p>	<p><small>FOR COURT USE ONLY</small></p> <p><b>Draft 4</b> <b>12/05/05</b></p> <p><b>Not approved by</b> <b>the Judicial Council</b></p>
<p>FILE NUMBER:</p>	

**DECLARATION OF PRIVATE PROFESSIONAL ☐ CONSERVATOR ☐ GUARDIAN**  
**CONCERNING QUALIFICATIONS FOR APPOINTMENT**

**NOTICE:** Beginning with the first statement due after January 1, 2006, each private professional conservator or guardian, as defined in Probate Code section 2341 and California Rules of Court, rules 7.1060(a)(6) (conservators) and 7.1010(a)(5) (guardians), must demonstrate under penalty of perjury in each annual information statement filed with an appointing court his or her qualifications to serve or continue to serve as a conservator or guardian under rules 7.1060(b) or 7.1010(b). Demonstrate your qualifications by completing and signing this form and filing it with this court as part of your annual information statement. One declaration is sufficient if you are both a private professional conservator and a private professional guardian.

**This court may require you to furnish additional information in your annual statement. If so, check item 8 of this form and provide the additional information in the manner required by the court or, if no specific manner is required, in Attachment 8 to this form.**

Beginning with the first statement due after December 31, 2007, each annual information statement filed with an appointing court by a private professional conservator or guardian must also show compliance with the continuing education requirements of rules 7.1060(e) or 7.1010(e) for the previous calendar year. (Cal. Rules of Court, rules 7.1060(h)(2)(A) and 7.1010(h)(2)(A).) Complete and file a *Declaration of Private Professional Conservator or Guardian—Continuing Education* (form GC-006) with your annual information statement for that purpose.

Declarant (name):

states as follows:

**1. Contact Information** (complete in all cases):

a. Name:

Business or firm name:

b. Business Address:

City:

County:

State:

Zip:

+

c. Mailing Address:

State:

Zip:

+

d. E-mail:

e. Telephones:

Daytime:

Nighttime:

Fax:

Cell (optional):

**2. ☐ Previous qualification declaration filed** (If you check and complete this item you may disregard all following items (except items 5 and 8) that request information that is unchanged from your prior declaration. In all cases, complete the signature information and sign at the bottom of page 4 of this form.)

On (date): I filed with this court a completed *Declaration of Private Professional Conservator or Guardian—Qualifications* (form GC-005). Except as otherwise stated in this declaration, each of the statements made in that declaration are still true and correct as of the date of this declaration. All information requested of me in this declaration was provided by me in that previously-filed declaration.

**3. ☐ Personal information** (Complete unless item 2 applies):

a. Date of birth:

Current age:

b. Height:

c. Weight:

d. Eye color:

e. California driver's license or DMV identification:

f. Social security number:

<b>DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN</b> <b>CONCERNING QUALIFICATIONS FOR APPOINTMENT</b>	FILE NUMBER:
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4. ☐ **Education and Experience** *(Complete unless item 2 applies. You must show that you have satisfied at least one of items 4a through 4e. Check all that apply. If you do not satisfy item 4c, you must also complete item 6.)*

**I have:**

- a. ☐ (1) A four-year undergraduate degree or equivalent from the following institution, an accredited educational institution within the meaning of rules 7.1060 or 7.1010 *(name of college or university)*:

Degree *(describe)*:

Date awarded:

- (2) AND one or more of the following:

- (a) ☐ A minimum of two years' employment experience in a position and with an entity described in rules 7.1060(b)(2)(A)(i) or 7.1010(b)(2)(A)(i), as follows:

Employer *(name and type of entity or firm)*:

Position and responsibilities *(describe)*:

Inclusive dates of employment:

☐ Continued on Attachment 4a(2)(a) .

- (b) ☐ A minimum of two years' experience as a court-appointed conservator or guardian of the person or estate of an adult or a minor, as follows:

Appointing court *(name of court, and state and county or other district designation)*:

Case number:

Inclusive dates of appointment:

Name of conservatee or ward:

- (c) ☐ A certificate as a paralegal from an accredited educational institution and a minimum of two years' employment as a paralegal with a primary emphasis in a probate-related area of practice, as follows:

Certifying institution *(specify)*:

Employer *(name)*:

Paralegal duties *(describe)*:

Inclusive dates of employment:

☐ Continued on Attachment 4a(2)(c) .

- b. ☐ (1) A two-year undergraduate degree or equivalent in a behavioral science, business, nursing, or accounting from the following institution, an accredited educational institution within the meaning of rules 7.1060 or 7.1010 *(name of college or university)*:

Degree *(describe)*:

Date awarded:

- (2) AND one or more of the following:

- (a) ☐ A minimum of five years' employment experience in a position and with an entity described in rules 7.1060(b)(2)(A)(i) or 7.1010(b)(2)(A)(i), as follows:

Employer *(name and type of entity or firm)*:

Position and responsibilities *(describe)*:

Inclusive dates of employment:

☐ Continued on Attachment 4b(2)(a) .

<b>DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN</b> <b>CONCERNING QUALIFICATIONS FOR APPOINTMENT</b>	FILE NUMBER:
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**4. Education and Experience** (Continued)

- (b) ☐ A minimum of five years' experience as a court-appointed conservator or guardian of the person or estate of an adult or a minor, as follows:

Appointing court (*name of court, and state and county or other district designation*):

Case number:

Inclusive dates of appointment:

Name of conservatee or ward:

- (c) ☐ A certificate as a paralegal from an accredited educational institution and a minimum of five years' employment as a paralegal with a primary emphasis in a probate-related area of practice, as follows:

Certifying institution (*specify*):

Employer (*name*):

Paralegal duties (*describe*):

Inclusive dates of employment:

☐ Continued on Attachment 4b(2)(c)

- c. ☐ Been appointed, qualified, and acted as conservator of the person, the estate, or both, or guardian of the estate or the person and estate of at least 10 persons in the State of California in the five-year period immediately preceding January 1, 2006. The names of the conservatees or wards, the appointing courts and case numbers, and the dates of my appointment as conservator or guardian are stated in Attachment 4c to this declaration.
- d. ☐ A current active license in good standing, or an inactive license that was current, active, and in good standing within five years of the later of January 1, 2006 or my appointment as a conservator or guardian by this court, in the California profession identified below. This license was neither revoked nor resigned or surrendered with proceedings for revocation pending (*specify license and license number or other identification*):

- (1) ☐ Attorney at law.
- (2) ☐ Certified public accountant
- (3) ☐ Educational psychologist
- (4) ☐ Licensed clinical social worker
- (5) ☐ Marriage and family therapist
- (6) ☐ Physician or surgeon
- (7) ☐ Psychologist
- (8) ☐ Registered nurse

License number or other identification: \_\_\_\_\_

- e. ☐ Experience as a retired judge or justice of a California trial or appellate court, or a commissioner or juvenile court referee who was employed by a California court on a full-time basis at the time of my retirement.

Judicial officer position:

Court:

Retirement date:

**5. Personal or professional conduct**

I have not:

- a. Been convicted of a felony, or of a misdemeanor involving abuse or neglect of a child or of an elderly or dependent adult.
- b. Been determined to be liable in a civil action or proceeding for conversion, embezzlement, fraud, misappropriation, misrepresentation, or theft.
- c. Been removed as a fiduciary by a court for actions involving breach of fiduciary duty, conversion, fraud, misappropriation, misrepresentation, or theft.



<b>DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN</b> <b>CONCERNING QUALIFICATIONS FOR APPOINTMENT</b>	FILE NUMBER:
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6. ☐ **Certificate in Professional Fiduciary Management** *(Unless item 2 applies, you must complete this item if you qualify for appointment under items 4a, 4b, 4d, or 4e of this form, but do not qualify under item 4c (prior experience as an appointed conservator or guardian in California in 10 matters within 5 years before January 1, 2006).)*
- a. ☐ I have completed an educational program in professional fiduciary management for guardians or conservators approved by the Administrative Office of the Courts and have received a certificate or its equivalent.
- (1) Educational institution:
- (2) Certificate received:
- (3) Date completed:
- b. ☐ **(Calendar year 2006 only)** I will complete an educational program in professional fiduciary management for guardians or conservators approved by the Administrative Office of the Courts during 2006, and will supplement this declaration with proof of completion before January 1, 2007.
7. ☐ **Pre-2006 appointments as private professional conservator or guardian** *(unless item 2 applies, you must complete this item if: (1) you were appointed and qualified as a conservator, or as a guardian of the estate or the person and estate, in one or more matters in this court before January 1, 2006 in your capacity as a private professional conservator or guardian; and (2) you do not qualify as a private professional conservator or guardian under any of the alternatives described in items 4a–4e of this form.)*
- a. I was appointed and qualified before January 1, 2006 as a private professional fiduciary, and am currently acting, as a ☐ conservator ☐ guardian of the estate or the person and estate in the following pending matters in this court:
- |     | Case Name | Case Number | Date(s) Appointed and Qualified |
|-----|-----------|-------------|---------------------------------|
| (1) |           |             |                                 |
| (2) |           |             |                                 |
| (3) |           |             |                                 |
| (4) |           |             |                                 |
| (5) |           |             |                                 |
- ☐ Continued on Attachment 7a.
- b. ☐ I would be willing to continue as conservator or guardian of the estate or the person and estate, on conditions approved by the court, in ☐ all of the matters listed in item 7a ☐ the following matters:
- |     | Case Name | Case Number |
|-----|-----------|-------------|
| (1) |           |             |
| (2) |           |             |
| (3) |           |             |
- ☐ Continued on Attachment 7b.
- c. I understand that I cannot be appointed as a private professional conservator or guardian on any new matters in this court until I qualify under one of the alternatives described in items 4a–4e of this form, and that I must ask the court for permission to resign in any pending matter in which I do not desire to remain as conservator or guardian.
8. ☐ **Additional information required by court** Additional information required by this court is ☐ filed with this form. ☐ contained in Attachment 8.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct.

Dated: \_\_\_\_\_

_____ (TYPE OR PRINT NAME)	<div style="display: flex; align-items: center; justify-content: center;">          _____          (SIGNATURE)       </div>
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<p align="center"><b>SUPERIOR COURT OF CALIFORNIA COUNTY OF</b></p> <p>(Space for court seal, if desired)</p> <p align="right">(Space for court address)</p>	<p><small>FOR COURT USE ONLY</small></p> <p><b>Draft 3 12/05/05</b></p> <p><b>Not approved by the Judicial Council</b></p>
<p>FILE NUMBER: _____</p>	

**DECLARATION OF PRIVATE PROFESSIONAL ☐ CONSERVATOR ☐ GUARDIAN  
CONCERNING CONTINUING EDUCATION FOR THE \_\_\_\_\_ CALENDAR YEAR**

**NOTICE:** Beginning in 2007, each private professional conservator or guardian, as defined in Probate Code section 2341 and California Rules of Court, rules 7.1060(a)(6) (conservators) and 7.1010(a)(5) (guardians), must complete a minimum of 15 hours of continuing education each calendar year from authorized providers. (Cal. Rules of Court, rules 7.1060(e) and 7.1010(e).) A minimum of 5 hours each year must be in subjects appropriate for a conservator or guardian of the person, a minimum of 5 hours each year must be in subjects appropriate for a conservator or guardian of the estate, and a minimum of 1 hour per year must be in fiduciary ethics. If you are both a private professional conservator and a private professional guardian, a minimum total of 15 hours of continuing education would satisfy both rules, but you would be required to satisfy the 5-hour "subjects appropriate" minimums for both conservators and guardians. You must also satisfy the "subjects appropriate" requirements for conservator or guardian of the person even though you are appointed only as a conservator or guardian of the estate.

Beginning with the first statement due after December 31, 2007, each private professional conservator or guardian must state under penalty of perjury in each annual information statement filed with an appointing court that he or she has complied with the continuing education requirements of rules 7.1060(e) or 7.1010(e) for the previous calendar year. Use this form for that purpose. Complete and sign this form and file it with the court as part of your annual information statement. One declaration is sufficient if you are both a private professional conservator and a private professional guardian.

You must retain certificates of attendance or other proof of participation in continuing education required by rules 7.1060(e) or 7.1010(e) for a period of three years after the end of each calendar year of education completed. This court may at any time during that three-year period require you to produce proof of compliance with the continuing education requirements of these rules for that year, in a manner satisfactory to the court.

Declarant (*name*): \_\_\_\_\_ states as follows:

1. During calendar year \_\_\_\_\_ I completed a total of \_\_\_\_\_ hours of continuing education from authorized providers, as follows:

a. Subjects appropriate for a ☐ conservator of the person ☐ guardian of the person:

Provider	Subject	Hours
		_____
		_____
		_____
		_____
		_____

☐ Continued on Attachment 1a.

Subtotal hours: \_\_\_\_\_

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GC-006

<b>DECLARATION OF PRIVATE PROFESSIONAL <input type="checkbox"/> CONSERVATOR <input type="checkbox"/> GUARDIAN</b> <b>CONCERNING CONTINUING EDUCATION</b>	FILE NUMBER:
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1. b. Subjects appropriate for a ☐ conservator of the estate ☐ guardian of the estate:

**Provider****Subject****Hours**


☐ Continued on Attachment 1b.

Subtotal hours: \_\_\_\_\_

- c. Fiduciary ethics, \_\_\_\_\_ hours. Provider (*specify*):

2. ☐ My continuing education includes \_\_\_\_\_ hours of self-study under the supervision of an eligible continuing education provider, as follows:

**Provider****Subject**

3. ☐ My continuing education includes \_\_\_\_\_ hours as an instructor in a continuing education course that satisfies the requirements of rules 7.1060 or 7.1010, as follows:

**Provider****Subject**

4. I have certificates of attendance or other proof of participation in the continuing education described above, which I will produce for the court on request.

I declare under penalty of perjury under the laws of the State of California that the foregoing, including statements made in all attachments, is true and correct.

Dated:

 \_\_\_\_\_  
 (TYPE OR PRINT NAME )

 \_\_\_\_\_  
 (SIGNATURE)

**California Rules of Court, rules 7.1010 and 7.1060**

**Rule 7.1010. Qualifications and continuing education requirements for private professional guardians**

**(a) [Definitions]** For purposes of this rule:

- (1) An “accredited educational institution” is a college or university, including a community or junior college, accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation.
- (2) The term “developmental disability” has the meaning specified in Probate Code section 1420.
- (3) Unless the context otherwise requires, the term “guardian” refers to a guardian of the person, of the estate, or of both, appointed by a court in a guardianship proceeding under Division 4 of the Probate Code (commencing with section 1400).
- (4) A “Lanterman-Petris-Short conservatorship” is a conservatorship of a person who is gravely disabled as the result of a mental disorder or impairment by chronic alcoholism under Welfare and Institutions Code section 5350 et seq.
- (5) The term “private professional guardian” has the meaning specified in Probate Code section 2341(b), including a guardian of one unrelated minor whom an appointing court has required to comply with article 4 of chapter 4 of part 4 of division 4 of that code (commencing with section 2340).
- (6) An “unrelated minor” is a person under the age of majority who is not related to a private professional guardian by blood, marriage, or domestic partnership.

1       **(b) [Qualifications for appointment]** Except as otherwise provided in this rule,  
2       effective January 1, 2006, a court may not appoint a private professional  
3       guardian as guardian of the estate or guardian of the person and estate of an  
4       unrelated minor unless on the date of the order of appointment, the private  
5       professional guardian:

6  
7       (1) Is at least 21 years of age;

8  
9       (2) Satisfies one or more of the following subparagraphs:

10  
11       (A) Has a four-year undergraduate degree or equivalent from an  
12       accredited educational institution and one of the following:

13  
14       (i) Two or more years' employment experience in a position with  
15       responsibility for the care or management of the persons or  
16       estates of children or dependent, developmentally disabled, or  
17       mentally ill adults, or supervision of those caring for or  
18       assisting them, (1) in a nonprofit corporation or public agency  
19       of the federal government or any state, city, or county; (2) in a  
20       bank or corporation authorized under the law of any state to  
21       engage in the business of a trust company; or (3) in a nonprofit  
22       corporation or with a professional fiduciary or organization of  
23       professional fiduciaries acting as a court-appointed fiduciary  
24       under the law of any state;

25  
26       (ii) Two or more years' experience as a court-appointed, qualified,  
27       and acting guardian or conservator of the person or estate of a  
28       minor or an adult under the law of any state; or

29  
30       (iii) A certificate as a paralegal from an accredited educational  
31       institution and two or more years' employment experience as a  
32       paralegal with a primary emphasis in probate-related areas of  
33       practice.

34  
35       (B) Has a two-year undergraduate degree or equivalent in a behavioral  
36       science, business, nursing, or accounting from an accredited  
37       educational institution and one of the following:

38  
39       (i) Five or more years' employment experience in a position and  
40       with an entity or individual described in (A)(i);  
41

- 1 (ii) Five or more years' experience as a court-appointed, qualified,  
2 and acting guardian or conservator of the person or estate of a  
3 minor or an adult under the law of any state; or  
4
- 5 (iii) A certificate as a paralegal from an accredited educational  
6 institution and five or more years' employment experience as a  
7 paralegal with a primary emphasis in probate-related areas of  
8 practice;  
9
- 10 (C) Has been appointed, qualified, and acted as guardian of the estate or  
11 of the person and estate, or as conservator of the person, of the  
12 estate, or of both, of 10 or more persons in the state of California in  
13 the five-year period immediately preceding January 1, 2006;  
14
- 15 (D) Has a current, active license in good standing, or an inactive license  
16 that was current, active, and in good standing within five years of  
17 the later of the effective date of this rule or the date of appointment  
18 as a private professional guardian and was neither revoked, nor  
19 resigned or surrendered with proceedings for revocation pending, to  
20 practice one of the following professions in the State of California:  
21
- 22 (i) Attorney at law,  
23
- 24 (ii) Certified public accountant,  
25
- 26 (iii) Educational psychologist,  
27
- 28 (iv) Licensed clinical social worker,  
29
- 30 (v) Marriage and family therapist,  
31
- 32 (vi) Physician or surgeon,  
33
- 34 (vii) Psychologist, or  
35
- 36 (viii) Registered nurse; or  
37
- 38 (E) Is one of the following retired judicial officers of a California trial or  
39 appellate court:  
40
- 41 (i) A judge or justice of a trial or appellate court, or

1 (ii) A commissioner or juvenile court referee who was employed  
2 by a court in that capacity on a full-time basis at the time of his  
3 or her retirement;  
4

5 (3) Has either:  
6

7 (A) Satisfied the requirements of (2)(C), or  
8

9 (B) Successfully completed a program of education approved by the  
10 Administrative Office of the Courts and received a certificate or its  
11 equivalent in professional fiduciary management for guardians or  
12 conservators; and  
13

14 (4) Has not:  
15

16 (A) Been convicted of any felony, or of a misdemeanor involving abuse  
17 or neglect of a child or an elderly or dependent adult;  
18

19 (B) Been determined to be liable in a civil action or proceeding for  
20 conversion, embezzlement, fraud, misappropriation,  
21 misrepresentation, or theft; or  
22

23 (C) Been removed as a fiduciary by a court for actions involving breach  
24 of fiduciary duty, conversion, fraud, misappropriation,  
25 misrepresentation, or theft.  
26

27 **(c) [Discretionary exception for small counties]**  
28

29 (1) Notwithstanding any other provision of this rule, a court in a county that  
30 has five or fewer private professional guardians or conservators, as  
31 determined under (2), who have been appointed as a private professional  
32 fiduciary in at least one guardianship or conservatorship matter that is  
33 then open and active in that court may, in the exercise of the court's  
34 discretion, appoint a private professional guardian who does not meet any  
35 of the requirements of (b)(2) and (3) on conditions satisfactory to the  
36 court, if the court determines that it is necessary to appoint a private  
37 professional guardian in a particular case.  
38

39 (2) The court must determine the number of private professional guardians or  
40 conservators active in its county at the time of the proposed discretionary  
41 appointment authorized under (1) by checking the latest annual  
42 information statements required by Probate Code section 2342 that are on  
43 file with the court as of the date of the proposed appointment, and

1 reviewing the guardianship or conservatorship matters listed in the  
2 statements to confirm their status as open and active on that date.  
3

4 **(d) [Transitional provisions for qualifications]**  
5

6 (1) *(Completion of education requirements in 2006)*  
7

8 (A) During 2006, the court may, in the exercise of its discretion, appoint  
9 as guardian of the estate, or of the person and estate, of an unrelated  
10 minor a private professional guardian who does not satisfy the prior  
11 experience requirement of (b)(2)(C) or the education requirement of  
12 (b)(3)(B) on the date of appointment.  
13

14 (B) A private professional guardian appointed under (A) must complete  
15 the education requirement of (b)(3)(B) and provide a certificate or  
16 other proof of completion satisfactory to the court before January 1,  
17 2007.  
18

19 (C) The court must remove a private professional guardian appointed  
20 under (A) who fails to timely comply with (B).  
21

22 (2) *(Guardianships pending on January 1, 2006)*  
23

24 (A) The court may, in the exercise of its discretion, permit a private  
25 professional guardian who was appointed and qualified as a  
26 guardian of the estate, or the person and estate, of an unrelated  
27 minor before January 1, 2006, to continue as guardian after that date  
28 on conditions approved by the court, although the guardian does not  
29 on that date satisfy the qualifications specified in (b)(2)(A)—(E).  
30

31 (B) A private professional guardian permitted to continue as guardian  
32 under (A) may apply to the court for removal of any conditions  
33 imposed by the court at any time after January 1, 2006 that he or she  
34 becomes qualified under (b)(2)(A), (B), or (D) and satisfies the  
35 education requirement of (b)(3)(B).  
36

37 **(e) [Continuing education]**  
38

39 (1) *(Annual time requirements)* Beginning on January 1, 2007, except as  
40 provided in (i) and (j), every private professional guardian must complete  
41 during each calendar year a minimum of 15 hours of continuing education  
42 from eligible providers under this rule.  
43



- 1 (A) A maximum of 4 of the 15 hours required by this paragraph may be  
2 by self-study under the supervision of an eligible continuing  
3 education provider that provides evidence of completion.  
4  
5 (B) A private professional guardian may complete continuing education  
6 courses that satisfy the requirements of this subdivision offered by  
7 eligible continuing education providers by means of video  
8 presentations or other delivery means at remote locations. Such  
9 courses are not self-study within the meaning of this rule.  
10  
11 (C) A private professional guardian who serves as an instructor in a  
12 continuing education course that satisfies the requirements of this  
13 rule may receive 1.5 hours of course participation credit for each  
14 hour of course instruction.  
15

16 (2) *(Annual subject matter requirements)*  
17

- 18 (A) At least 5 hours of continuing education each year must be in  
19 subjects appropriate for a guardian of the person.  
20  
21 (B) At least 5 hours of continuing education each year must be in  
22 subjects appropriate for a guardian of the estate.  
23  
24 (C) At least 1 hour of continuing education each year must be in  
25 fiduciary ethics.  
26

27 (3) *(Subject matter for guardians of the person)* “Subjects appropriate for a  
28 guardian of the person” under (2) include the following:  
29

- 30 (A) Assessment of child abuse issues;  
31  
32 (B) Child custody and visitation issues in guardianships;  
33  
34 (C) Community resources;  
35  
36 (D) Developmental disabilities;  
37  
38 (E) Interfamilial relationships and conflict resolution, with emphases on  
39 parent-child relationships and on blended and extended families;  
40  
41 (F) Interstate issues in guardianships of the person of minors;  
42

- (G) Involuntary mental health evaluation and additional treatment for mentally ill children;
  - (H) Lanterman-Petris-Short conservatorships;
  - (I) Mandatory reporting requirements for child abuse;
  - (J) Medical decision making by guardians;
  - (K) Minors' rights to mental health treatment or counseling services;
  - (L) Probate Code and other California legal requirements for guardianships of the person;
  - (M) Psychological and developmental needs of children;
  - (N) Recognizing and evaluating mental illnesses in children; and
  - (O) Significance of culture and religion in the lives of children.
- (4) *(Subject matter for guardians of the estate)* "Subjects appropriate for a guardian of the estate" under (2) include the following:
- (A) Asset recovery;
  - (B) Court accounting;
  - (C) Economics of fiduciary services;
  - (D) Enforcing a child's right to support;
  - (E) Evaluation of investment securities;
  - (F) Fiduciary liability;
  - (G) Fiduciary office management and technology;
  - (H) Income taxation;
  - (I) Interstate issues in guardianships of the estate of minor children;
  - (J) Investment and other advisors for fiduciaries;

- (K) Liability insurance;
- (L) Litigation by and against guardians;
- (M) Medi-Cal, Supplemental Security Income, and other public benefits;
- (N) Medical insurance;
- (O) Personal property asset management;
- (P) Probate Code and other California legal requirements for probate guardianships of the estate;
- (Q) Prudent Investor Act and authorized investments by guardians;
- (R) Real property asset management;
- (S) Recordkeeping;
- (T) Risk management;
- (U) Settlement of the claim or disposition of the proceeds of a judgment for a minor;
- (V) Special needs trusts; and
- (W) Any subject not listed in this paragraph that is identified as appropriate for a conservator of the estate in rule 7.1060(d)(4).

- (5) *(Continuing education for dual-status private professional fiduciaries)*  
Notwithstanding any other provision of this rule and rule 7.1060, a private professional guardian under this rule who also is a private professional conservator under rule 7.1060 may satisfy the minimum-hours requirements of both rules by completing a total of at least 15 hours of continuing education annually from eligible providers under either rule.

**(f) [Approved eligible continuing education providers]**

- (1) Eligible continuing education providers may include accredited education institutions, professional associations, professional continuing education groups, public or private for-profit or not-for-profit groups, and court-connected groups.

- 1
- 2 (2) Effective January 1, 2008, continuing education providers and courses
- 3 must be approved by the Administrative Office of the Courts.
- 4
- 5 (3) Continuing education completed in calendar 2007 complies with the
- 6 requirements of this rule if it addresses the subjects required by this rule,
- 7 is certified for continuing education credit by the provider in accordance
- 8 with the requirements of subdivision (g), and is provided by:
- 9
- 10 (A) An accredited educational institution;
- 11
- 12 (B) An accountancy organization or a private education provider, if the
- 13 education qualifies with the California State Board of Accountancy
- 14 for continuing education credit for renewal of an individual license
- 15 as a Certified Public Accountant;
- 16
- 17 (C) The Administrative Office of the Courts;
- 18
- 19 (D) The American Bar Association;
- 20
- 21 (E) California Continuing Education of the Bar;
- 22
- 23 (F) A local bar association or private education provider, if the
- 24 education qualifies with the California State Bar for continuing legal
- 25 education credit for a member of the California bar;
- 26
- 27 (G) The National Association of Social Workers;
- 28
- 29 (H) The National Guardianship Association; or
- 30
- 31 (I) The Professional Fiduciary Association of California.
- 32
- 33 (g) **[Requirements for continuing education providers]** Each continuing
- 34 education provider must:
- 35
- 36 (1) Ensure that the instructors teaching continuing education courses are
- 37 qualified to teach the subject matter of the courses they teach;
- 38
- 39 (2) Monitor and evaluate the quality of courses, curricula, instructors, and
- 40 instructor training;
- 41
- 42 (3) Keep records of attendance or self-study and distribute to each participant
- 43 a certificate of completion that identifies the education provider and

documents the subject taught, the number of hours of education offered, and the number of hours the participant completed; and

(4) Be approved under (f)(2).

**(h) [Proof of compliance]**

(1) (*Qualifications*) Every private professional guardian must demonstrate, under penalty of perjury, his or her qualifications under (b) in his or her information statement filed with the clerk of each appointing court under Probate Code section 2342, beginning with the first statement filed after the effective date of this rule and annually thereafter.

(2) (*Continuing education*)

(A) Every private professional guardian must declare, under penalty of perjury, that he or she has complied with the continuing education requirements under (e) for the previous calendar year in his or her annual statement filed with the clerk of each appointing court under Probate Code section 2342, beginning with the first statement filed after December 31, 2007, and annually thereafter.

(B) Every private professional guardian must retain certificates of attendance or other proof of participation in continuing education required by this rule for a period of three years after the end of each year of education completed. An appointing court may require a private professional guardian to produce, in a manner determined by the court, proof of compliance with the requirement for any year at any time within that three-year period.

(3) (*Report of noncompliance to the Statewide Registry*) If an appointing court determines that a private professional guardian has failed to comply with the qualification or continuing education requirements of this rule, the court clerk must forward a copy of the court's determination to the Statewide Registry under Probate Code section 2850(d).

(i) **[Waiver of continuing education]** Notwithstanding any other provision of this rule, a court may, on the ground of hardship, waive the continuing education requirements of (e), in whole or in part and under conditions satisfactory to the court, for any private professional guardian appointed by the court.

1       (j) **[Exemption of guardians of the person]** Notwithstanding any other  
2       provision of this rule, a private professional guardian of the person only of two  
3       or more unrelated minors is exempt from the requirements of this rule.  
4

1 **Rule 7.1060. Qualifications and continuing education requirements for private**  
2 **professional conservators**

3  
4 (a) **[Definitions]** For purposes of this rule:

- 5  
6 (1) An “accredited educational institution” is a college or university,  
7 including a community or junior college, accredited by a regional  
8 accrediting organization recognized by the Council for Higher Education  
9 Accreditation.  
10  
11 (2) Unless the context otherwise requires, the term “conservator” refers to a  
12 conservator of the person, of the estate, or of both, appointed by a court in  
13 a conservatorship proceeding under division 4 of the Probate Code  
14 (commencing with section 1400).  
15  
16 (3) The term “developmental disability” has the meaning specified in Probate  
17 Code section 1420.  
18  
19 (4) A “Lanterman-Petris-Short conservatorship” is a conservatorship of a  
20 person who is gravely disabled as the result of a mental disorder or  
21 impairment by chronic alcoholism under Welfare and Institutions Code  
22 section 5350 et seq.  
23  
24 (5) A “limited conservatorship” is a conservatorship of a developmentally  
25 disabled adult found by the court to lack the capacity to perform some but  
26 not all of the tasks necessary to provide for his or her own personal needs  
27 for physical health, food, clothing, or shelter, or manage his or her own  
28 financial resources.  
29  
30 (6) The term “private professional conservator” has the meaning specified in  
31 Probate Code section 2341(a), including a conservator of one unrelated  
32 person whom an appointing court has required to comply with article 4 of  
33 chapter 4 of part 4 of division 4 of that code (commencing with section  
34 2340).  
35  
36 (7) An “unrelated person” is a person who is not related to a private  
37 professional conservator by blood, marriage, or domestic partnership.  
38

39 (b) **[Qualifications for appointment]** Except as otherwise provided in this rule,  
40 effective January 1, 2006, a court may not appoint a private professional  
41 conservator as conservator of an unrelated person unless on the date of the  
42 order of appointment the private professional conservator:  
43

- 1 (1) Is at least 21 years of age;  
2  
3 (2) Satisfies one or more of the following subparagraphs:  
4  
5 (A) Has a four-year undergraduate degree or equivalent from an  
6 accredited educational institution and one of the following:  
7  
8 (i) Two or more years' employment experience in a position with  
9 responsibility for the care or management of the persons or  
10 estates of children or dependent, developmentally disabled, or  
11 mentally ill adults, or supervision of those caring for or  
12 assisting them, (1) in a nonprofit corporation or public agency  
13 of the federal government or any state, city, or county; (2) in a  
14 bank or corporation authorized under the law of any state to  
15 engage in the business of a trust company; or (3) in a nonprofit  
16 corporation or with a professional fiduciary or organization of  
17 professional fiduciaries acting as a court-appointed fiduciary  
18 under the law of any state;  
19  
20 (ii) Two or more years' experience as a court-appointed, qualified,  
21 and acting guardian or conservator of the person or estate of a  
22 minor or an adult under the law of any state; or  
23  
24 (iii) A certificate as a paralegal from an accredited educational  
25 institution and two or more years' employment experience as a  
26 paralegal with a primary emphasis in probate-related areas of  
27 practice;  
28  
29 (B) Has a two-year undergraduate degree or equivalent in a behavioral  
30 science, business, nursing, or accounting from an accredited  
31 educational institution and one of the following:  
32  
33 (i) Five or more years' employment experience in a position and  
34 with an entity or individual described in (A)(i);  
35  
36 (ii) Five or more years' experience as a court-appointed, qualified,  
37 and acting guardian or conservator of the person or estate of a  
38 minor or an adult under the law of any state; or  
39  
40 (iii) A certificate as a paralegal from an accredited educational  
41 institution and five or more years' employment experience as a  
42 paralegal with a primary emphasis in probate-related areas of  
43 practice;



- 1  
2 (C) Has been appointed, qualified, and acted as guardian of the estate, or  
3 of the person and estate, or conservator of the person, of the estate,  
4 or of both, of 10 or more persons in the State of California in the  
5 five-year period immediately preceding January 1, 2006;  
6  
7 (D) Has a current, active license in good standing, or an inactive license  
8 that was current, active, and in good standing within five years of  
9 the later of the effective date of this rule or the date of appointment  
10 as a private professional conservator and was neither revoked, nor  
11 resigned or surrendered with proceedings for revocation pending, to  
12 practice one of the following professions in the State of California:  
13  
14 (i) Attorney at law,  
15  
16 (ii) Certified public accountant,  
17  
18 (iii) Educational psychologist,  
19  
20 (iv) Licensed clinical social worker,  
21  
22 (v) Marriage and family therapist,  
23  
24 (vi) Physician or surgeon,  
25  
26 (vii) Psychologist, or  
27  
28 (viii) Registered nurse; or  
29  
30 (E) Is one of the following retired judicial officers of a California trial or  
31 appellate court:  
32  
33 (i) A judge or justice of a trial or appellate court, or  
34  
35 (ii) A commissioner or juvenile court referee who was employed  
36 by a court in that capacity on a full-time basis at the time of his  
37 or her retirement;  
38  
39 (3) Has either:  
40  
41 (A) Satisfied the requirements of (2)(C), or  
42

1 (B) Successfully completed a program of education approved by the  
2 Administrative Office of the Courts and received a certificate or its  
3 equivalent in professional fiduciary management for guardians or  
4 conservators; and  
5

6 (4) Has not:  
7

8 (A) Been convicted of any felony, or of a misdemeanor involving abuse  
9 or neglect of a child or an elderly or dependent adult;  
10

11 (B) Been determined to be liable in a civil action or proceeding for  
12 conversion, elder or dependent adult abuse or neglect,  
13 embezzlement, fraud, misappropriation, misrepresentation, or theft;  
14 or  
15

16 (C) Been removed as a fiduciary by a court for actions involving breach  
17 of fiduciary duty, conversion, fraud, misappropriation,  
18 misrepresentation, or theft.  
19

20 **(c) [Discretionary exception for small counties]**  
21

22 (1) Notwithstanding any other provision of this rule, a court in a county that  
23 has five or fewer private professional guardians or conservators, as  
24 determined under (2), who have been appointed as a private professional  
25 fiduciary in at least one guardianship or conservatorship matter that is  
26 then open and active in that court may, in the exercise of the court's  
27 discretion, appoint a private professional conservator who does not meet  
28 any of the requirements of (b)(2) and (3) on conditions satisfactory to the  
29 court, if the court determines that it is necessary to appoint a private  
30 professional conservator in a particular case.  
31

32 (2) The court must determine the number of private professional guardians or  
33 conservators active in its county at the time of the proposed discretionary  
34 appointment authorized under (1) by checking the latest annual  
35 information statements required by Probate Code section 2342 that are on  
36 file with the court as of the date of the proposed appointment, and  
37 reviewing the guardianship or conservatorship matters listed in the  
38 statements to confirm their status as open and active on that date.

1       **(d) [Transitional provisions for qualifications]**  
2

3           (1) *(Completion of education requirements in 2006)*  
4

5           (A) During 2006, the court may, in the exercise of its discretion, appoint  
6           as conservator of an unrelated person a private professional  
7           conservator who does not satisfy the prior experience requirement of  
8           (b)(2)(C) or the education requirement of (b)(3)(B) on the date of  
9           appointment.

10  
11          (B) A private professional conservator appointed under (A) must  
12          complete the education requirement of (b)(3)(B) and provide a  
13          certificate or other proof of completion satisfactory to the court  
14          before January 1, 2007.

15  
16          (C) The court must remove a private professional conservator appointed  
17          under (A) who fails to timely comply with (B).  
18

19           (3) *(Conservatorships pending on January 1, 2006)*  
20

21          (A) The court may, in the exercise of its discretion, permit a private  
22          professional conservator who was appointed and qualified as a  
23          conservator of an unrelated person before January 1, 2006, to  
24          continue as conservator after that date on conditions approved by the  
25          court, although the conservator is not on that date qualified under  
26          subparagraph (b)(2).  
27

28          (B) A private professional conservator permitted to continue as  
29          conservator under (A) may apply to the court for removal of any  
30          conditions imposed by the court at any time after January 1 2006,  
31          that he or she becomes qualified under (b)(2)(A), (B), or (D) and  
32          satisfies the education requirement of (b)(3)(B).  
33

34       **(e) [Continuing education]**  
35

36           (1) *(Annual time requirements)* Beginning on January 1, 2007, except as  
37           provided in (i), every private professional conservator must complete  
38           during each calendar year a minimum of 15 hours of continuing education  
39           from eligible providers under this rule.  
40

41          (A) A maximum of 4 of the 15 hours required by this paragraph may be  
42          by self-study under the supervision of an eligible continuing  
43          education provider that provides evidence of completion.

1  
2 (B) A private professional conservator may complete continuing  
3 education courses that satisfy the requirements of this subdivision  
4 offered by eligible continuing education providers by means of  
5 video presentations or other delivery means at remote locations.  
6 Such courses are not self-study within the meaning of this rule.  
7

8 (C) A private professional conservator who serves as an instructor in a  
9 continuing education course that satisfies the requirements of this  
10 rule may receive 1.5 hours of course participation credit for each  
11 hour of course instruction.  
12

13 (2) *(Annual subject matter requirements)*  
14

15 (A) At least 5 hours of continuing education each year must be in  
16 subjects appropriate for a conservator of the person.  
17

18 (B) At least 5 hours of continuing education each year must be in  
19 subjects appropriate for a conservator of the estate.  
20

21 (C) At least 1 hour of continuing education each year must be in  
22 fiduciary ethics.  
23

24 (3) *(Subject matter for conservators of the person)* “Subjects appropriate for  
25 a conservator of the person” under (2) include the following:  
26

27 (A) Advance directives and end-of-life decisions;  
28

29 (B) Assessment of living situations;  
30

31 (C) Communicating with adults with diminished capacity;  
32

33 (D) Community resources;  
34

35 (E) Dementia assessment;  
36

37 (F) Dementia powers;  
38

39 (G) Developmental disabilities;  
40

41 (H) Due Process in Competency Determinations Act;  
42

43 (I) Elder and dependent adult abuse or neglect and legal remedies;

- (J) Evaluation of residential care facilities;
- (K) Family dynamics and conflict resolution;
- (L) Home care of adults with diminished capacity;
- (M) Interstate issues in conservatorships of the person;
- (N) Involuntary mental health evaluation and intensive treatment for gravely disabled adults;
- (O) Lanterman-Petris-Short conservatorships;
- (P) Limited conservatorships of the person of developmentally disabled persons;
- (Q) Mandatory reporting requirements for elder and dependent adult abuse;
- (R) Medical decision making by conservators;
- (S) Medications for adults with diminished capacity;
- (T) Physical and cognitive functional assessments;
- (U) Probate Code and other California legal requirements for probate conservatorships of the person;
- (V) Reading and understanding medical charts;
- (W) Recognizing and evaluating mental illnesses;
- (X) Regulation of residential care facilities;
- (Y) Rights of residents and patients in residential, board-and-care, group living, and long-term care facilities; and
- (Z) Working with other professionals.

1 (4) *(Subject matter for conservators of the estate)* “Subjects appropriate for a  
2 conservator of the estate” under (2) include the following:

3  
4 (A) Asset recovery;

5  
6 (B) Court accounting;

7  
8 (C) Economics of fiduciary services;

9  
10 (D) Elder and dependent adult financial abuse and legal remedies;

11  
12 (E) Evaluation of investment securities;

13  
14 (F) Fiduciary liability;

15  
16 (G) Fiduciary office management and technology;

17  
18 (H) Income taxation;

19  
20 (I) Interstate issues in conservatorships of the estate;

21  
22 (J) Investment and other advisors for fiduciaries;

23  
24 (K) Liability insurance;

25  
26 (L) Limited conservatorships of the estate of developmentally disabled  
27 adults;

28  
29 (M) Litigation by and against conservators;

30  
31 (N) Marital and domestic partnership property issues in  
32 conservatorships;

33  
34 (O) Medi-Cal, Supplemental Security Income, and other public benefits;

35  
36 (P) Medicare and medical insurance;

37  
38 (Q) Personal property asset management;

39  
40 (R) Powers of attorney, abuses and remedies;

41  
42 (S) Probate Code and other California legal requirements for probate  
43 conservatorships of the estate;

1  
2 (T) The Prudent Investor Act and authorized investments by  
3 conservators;

4  
5 (U) Real property asset management;

6  
7 (V) Record keeping;

8  
9 (W) Risk management;

10  
11 (X) Special needs trusts; and

12  
13 (Y) Substituted judgment.

- 14  
15 (5) *(Continuing education for dual-status private professional fiduciaries)*  
16 Notwithstanding any other provision of this rule and rule 7.1010, a  
17 private professional conservator under this rule who is also a private  
18 professional guardian under rule 7.1010 may satisfy the minimum-hours  
19 requirements of both rules by completing a total of at least 15 hours of  
20 continuing education annually from eligible providers under either rule.

21  
22 **(f) [Approved eligible continuing education providers]**

- 23  
24 (1) Eligible continuing education providers may include accredited  
25 educational institutions, professional associations, professional  
26 continuing education groups, public or private for-profit or not-for-profit  
27 groups, and court-connected groups.  
28  
29 (2) Effective January 1, 2008, continuing education providers and courses  
30 must be approved by the Administrative Office of the Courts.  
31  
32 (3) Continuing education completed in calendar 2007 complies with the  
33 requirements of this rule if it addresses the subjects required by this rule,  
34 is certified for continuing education credit by the provider in accordance  
35 with the requirements of subdivision (g), and is provided by:  
36  
37 (A) An accredited educational institution;  
38  
39 (B) An accountancy organization or private education provider, if the  
40 education qualifies with the California State Board of Accountancy  
41 for continuing education credit for renewal of an individual license  
42 as a Certified Public Accountant;  
43

- (C) The Administrative Office of the Courts;
- (D) The American Bar Association;
- (E) The American Society of Aging;
- (F) California Continuing Education of the Bar;
- (G) The Gerontological Society of America;
- (H) A local bar association or private education provider, if the education qualifies with the California State Bar for continuing legal education credit for a member of the California bar;
- (I) The National Association of Professional Geriatric Care Managers;
- (J) The National Association of Social Workers;
- (K) The National Guardianship Association; or
- (L) The Professional Fiduciary Association of California.

**(g) [Requirements for continuing education providers]** Each continuing education provider must:

- (1) Ensure that the instructors teaching continuing education courses are experts in the subject matter;
- (2) Monitor and evaluate the quality of courses, curricula, instructors, and instructor training;
- (3) Keep records of attendance or self-study and distribute to each participant a certificate of completion that identifies the education provider and documents the subject taught, the number of hours of education offered, and the number of hours the participant completed; and
- (4) Be approved under (f)(2).

**(h) [Proof of compliance]**

- (1) (*Qualifications*) Every private professional conservator, under penalty of perjury, must demonstrate his or her qualifications under (b) in his or her information statement filed with the clerk of each appointing court under



1 Probate Code section 2342, beginning with the first statement filed after  
2 the effective date of this rule and annually thereafter.  
3

4 (2) *(Continuing education)*  
5

6 (A) Every private professional conservator must declare, under penalty  
7 of perjury, that he or she has complied with the continuing education  
8 requirements under (e) for the previous calendar year in his or her  
9 annual statement filed with the clerk of each appointing court under  
10 Probate Code section 2342, beginning with the first statement filed  
11 after December 31, 2007, and annually thereafter.  
12

13 (B) Every private professional conservator must retain certificates of  
14 attendance or other proof of participation in continuing education  
15 required by this rule for a period of three years after the end of each  
16 year of education completed. An appointing court may require a  
17 private professional conservator to produce proof, in a manner  
18 determined by the court, of compliance with the requirement for any  
19 year at any time within that three-year period.  
20

21 (3) *(Report of noncompliance to the Statewide Registry)* If an appointing  
22 court determines that a private professional conservator has failed to  
23 comply with the qualification or continuing education requirements of  
24 this rule, the court clerk must forward a copy of the court's determination  
25 to the Statewide Registry under Probate Code section 2850(d).  
26

27 (i) **[Waiver of continuing education]** Notwithstanding any other provision of  
28 this rule, a court may, on ground of hardship, waive the continuing education  
29 requirements of (e), in whole or in part and under conditions satisfactory to the  
30 court, for any private professional conservator appointed by the court.  
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